

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. C-2540/DC-35
Public Service Commission)
Communications Department seeking)
an order to cease and desist) COMPLAINT DISMISSED IN PART
operations and to revoke the) AND SUSTAINED IN PART
certificates of public convenience)
and necessity issued to the)
named defendants.) Entered: November 6, 2001

BY THE COMMISSION:

By petition dated June 5, 2001, the Communications Department (Department) of the Nebraska Public Service Commission (Commission) opened this docket requesting the Commission to revoke the operating authority of various defendants for failure to file annual reports pursuant to Neb. Rev. Stat. § 86-807 (Reissue 1999). All interexchange carriers (IXCs) and competitive local exchange carriers (CLECs) who had not filed annual reports with the Commission were named as defendants in this docket. Notice of this docket was sent to all affected parties on June 5, 2001. A hearing was held on September 25, 2001, in the Commission Hearing Room, Lincoln, Nebraska, for the defendants who did not reach a settlement with the Department. No defendants made an appearance at the hearing.

O P I N I O N A N D F I N D I N G S

The defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §§ 75-101, et. seq. (Reissue 1996) and 86-801 to 86-811 (Reissue 1999). Defendants are also governed by Title 291, NAC Ch. 5 of the Commissions Rules and Regulations.

As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 86-807, the Commission, through its Communications Department, requires telecommunications companies which file an annual report with a federal agency to file a copy of the same report with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency is required to file an annual report with the Commission in a form prescribed by the Commission on or before April 30th of each year.

The defendants originally named in the complaint failed to comply with the mandates of Neb. Rev. Stat. § 86-807. Therefore, this Commission, pursuant to its legislative authority may administratively fine all such companies after notice and public hearing or revoke the certificates of public convenience and necessity issued to the defendants.

The Commission subsequently determined that several defendants had adequately complied with the provisions of Neb. Rev. Stat. § 86-807 and had satisfactorily submitted an annual report for the year 2000. Therefore, such parties were dismissed from the complaint in Commission orders entered on July 11, 2001, and August 21, 2001.

Since that time, a number of additional defendants have signed similar stipulations with the Department wherein each defendant admits to filing its report late and agrees to pay an administrative fine to be dismissed from the departmental complaint. The signed stipulations are satisfactory, and therefore, the following defendants should be dismissed from the complaint:

Telemanagement Systems, Inc.
TransNet Connect, Inc.
ezTel Network Services, LLC
MaxTelUSA, Inc.
North American Telephone Network, LLC
American Telecommunication Systems, Inc.
PT-1 Counsel, Inc.
T-NETIX Internet Services, Inc.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in the year 2002 regarding the filing of the 2001 report. If reports are not postmarked on or before April 30, 2002, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

The remaining defendants received letters from the Commission dated January 23, 2001, and April 11, 2001, which restated the annual report filing requirement and warned of possible fines and/or certificate revocation. The defendants were given the option of negotiating a settlement by submitting an annual report and signing a stipulation with the Department wherein each defendant admits to filing their annual report late and agrees to pay an administrative fine to dismiss the departmental complaint against them. The defendants were also sent copies of the original complaint, the June 5, 2001 order, and notice of the September 25, 2001, public hearing.

Nonetheless, no carriers made an appearance at the public hearing to show cause as to why their certificates of authority should not be revoked. Accordingly, the Certificates of Public

Convenience and Necessity issued to the following defendants should be revoked:

Interexchange Carriers:

ACOMM, Inc.
Access One, Inc.
American Telecommunications Enterprises, Inc.
Columbia Telecommunications Enterprises, Inc.
Communications Telesystems International dba Worldxchange
Communications, dba CTS Telecom
CyberSentry, Inc.
The Free Network, LLC
Intercontinental Communications Group Inc., d/b/a Fusion Telecom
and Fusion-Trucker Phone.
GSTNET, Inc.
Global Telephone Corporation
IPVoice Communications, Inc.
JD Services, Inc.
Protel Advantage, Inc., d/b/a Long Distance Savings
NET-tel Corporation
One Tel, Inc.
PT-1 Long Distance, Inc.
PNV.net, Inc.
Pensat International Communications, Inc.
Peoples Telephone Company, Inc.
RDST, Inc.
SouthNet Telecom Services, Inc.
StormTel, Inc.
TeleHub Network Services Corporation
TelTrust Communications Services
TotalAxxcess.com, Inc.
U.S. Operators, Inc.
US West Interprise
VoCall Communications Corp.
NetworkIP, LLC

Local Exchange Carriers:

IPVoice Communications, Inc.
Maverix.net, Inc.
Net-tel Corporation
Paramount Wireless Communications of Nebraska
Tin Can Communications, LLC, d/b/a The Cube, LLC
LDM Systems, Inc.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Telemanagement Systems, Inc.; TransNet Connect, Inc.; ezTel Network Services, LLC; MaxTelUSA, Inc.; North American Telephone Network, LLC; American Telecommunication Systems; PT-1 Counsel and T-NETIX have satisfied the conditions of the complaint and are hereby dismissed.




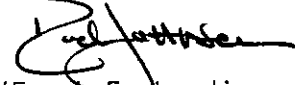
IT IS FURTHER ORDERED that the Certificates of Public Convenience and Necessity issued to the defendants ACOMM, Inc.; Access One, Inc.; American Telecommunications Enterprises, Inc.; Columbia Telecommunications Enterprises, Inc.; Communications Telesystems International dba Worldxchange Communications dba CTS Telecom.; CyberSentry, Inc.; The Free Network, LLC; Intercontinental Communications Group Inc., d/b/a Fusion Telecom and Fusion-Trucker Phone; GSTNET, Inc.; Global Telephone Corporation; IPVoice Communications, Inc.; JD Services, Inc.; Protel Advantage, inc., d/b/a Long Distance Savings; NET-tel Corporation; One Tel, Inc.; PT-1 Long Distance; PNV.net, Inc.; Pensat International Communications, Inc.; Peoples Telephone Company, Inc.; RDST, Inc.; SouthNet Telecom Services, Inc.; StormTel, Inc.; TeleHub Network Services Corporation; TelTrust Communications Services; TotalAxcess.com, Inc.; U.S. Operators, Inc.; US West Interprise; VoCall Communications Corp.; NetworkIP, LLC; IPVoice Communications, Inc.; Maverix.net, Inc.; Net-tel Corporation; Paramount Wireless Communications of Nebraska; Tin Can Communications, LLC, d/b/a The Cube, LLC; LDM Systems, Inc. be, and they are hereby, revoked.

IT IS FURTHER ORDERED that the defendants revoked herein shall cease and desist providing service in the state of Nebraska within 60 days from the date of this order. Furthermore, said carriers shall give at least 30 days notice of discontinuance of service to their customers and reimburse said customers for any necessary switching charges.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of November, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Frank E. Landis


Chairman

ATTEST:


Executive Director